

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DANIEL THOMAS LANAHAN	*	
Petitioner	*	
v	*	Civil Action No. JFM-15-2512
PATUXENT INSTITUTION, et al.,	*	
Respondents	*	

MEMORANDUM

The court is in receipt of a pleading filed by self-represented detainee Daniel Thomas Lanahan.¹ ECF 1. Lanahan seeks his release from the Clifton T. Perkins Hospital Center where he is confined. *Id.*

Lanahan used forms for filing a civil rights complaint. To the extent he is in state custody because his mental illness renders him unable to stand trial, his pleading has instead been considered as a petition under 28 U.S.C. § 2241.² Pretrial federal habeas relief is available under § 2241 if the petitioner is in custody, has exhausted state court remedies, and special circumstances exist that justify intervention by the federal court. *See Dickerson v. Louisiana*, 816 F.2d 220, 224–26 (5th Cir. 1987).

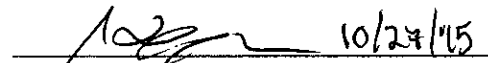
Exhaustion is established where both the operative facts and controlling legal principles of each claim have been fairly presented to the state courts. *See Baker v. Corcoran*, 220 F.3d

¹ Petitioner's status is unclear. The Maryland Judiciary Case Search website indicates that he has several criminal convictions. He also has a criminal case that is stayed due to his being found incompetent to stand trial. *See* <http://casesearch.courts.state.md.us/casesearch/inquirySearch.js>

² Criminal convictions may be challenged in this court by way of a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. Petitioner has two other cases pending before the court challenging underlying state convictions pursuant to 28 U.S.C. §2254. *See Lanahan v. Hensel*, Civil Action No. JFM-15-2133 and *Lanahan v. Hensel*, Civil Action No. JFM-15-2134.

276, 289 (4th Cir. 2000) (citations omitted). In the pretrial context, federal courts must abstain from exercising jurisdiction over a claim that may be resolved through trial of the merits or by other state procedures available for review of the claim. *See Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 489-90 (1973).

As a person committed to a mental health facility, petitioner has a right under Maryland law to file a petition for release in state circuit court located in the county where he resides, where he resided before admission to the facility, or where the facility is located. *See* Md. Health Gen. Code Ann., § 10-805(a) and (b). Denial of an application for release may be appealed. *See id.*, §10-805(h). Although petitioner has challenged his commitment order in state court, he did not appeal the denial of same.³ Special circumstances justifying this court's intervention do not exist where there are procedures in place to protect petitioner's constitutional rights. *See Moore v. DeYoung*, 515 F. 2d 437, 449 (3d Cir. 1975) (assertion of appropriate defense at trial forecloses pretrial federal habeas relief); *Drayton v. Hayes*, 589 F. 2d 117, 120-21 (2d Cir. 1979) (double jeopardy claim justified pretrial federal habeas intervention because constitutional right claimed would be violated if petitioner went to trial); *see also Younger v. Harris*, 401 U.S. 37 (1971). Petitioner's claims that he is illegally confined may be litigated in a state forum without harm to petitioner's constitutional rights. Accordingly, his habeas petition shall be dismissed without prejudice.


10/27/15
J. Frederick Motz
United States District Judge

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³ *See Lanahan v. Clifton T. Perkins Hospital Center*, Circuit Court for Carroll County, Case No. 06C15068288
<http://casesearch.courts.state.md.us/casesearch/inquiry/Detail.jis?caseId=06C15068288&loc=61&detailLoc=CC>

U.S. DISTRICT COURT
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